

Grand Junction, Colorado

April 4, 1962

### ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. April 4, 1962 in the Civic Auditorium. Councilmen present and answering roll call were Ray A. Meacham, Arthur Hadden, Chas. H. Love, Harry O. Colescott, Warren D. Lowe, Herbert M. Wright and President C. E. McCormick. Also present were City Manager Joe Lacy, City Attorney Gerald J. Ashby and City Clerk Helen C. Tomlinson.

### INVOCATION

The invocation was given by Rev. Glenn Sharman, Pastor, Seventh Day Adventist Church.

### MINUTES

It was moved by Councilman Meacham and seconded by Councilman Hadden that the minutes of the regular meeting held March 21, 1962 be approved as written. Motion carried. (7 voted AYE)

### HEARING

Central Fruitvale re-zoning

This date had been advertised for hearing on the Central Fruitvale re-zoning. City Manager Lacy stated that after many meetings of the Planning Commission and much consideration, the re-zoning was recommended as shown by the following drawing:

Telephone calls and personal contacts with many of the people who live in the Central Fruitvale area showed that most of the people in the area were in favor of this re-zoning and the Planning Commission was unanimously in favor of it. As there were no persons in the audience to speak on this matter, President McCormick closed the hearing.

### HEARING

Spec. Storm Sewer Dist. (Operation Foresight)

This date was set for hearing on the formation of Special Storm Sewer District No. 1 (Operation Foresight). As no one appeared before the Council opposing the formation of the Special Storm Sewer District, President McCormick closed the hearing.

### 3.2 BEER

Change of address for Dan Williams dba Williams Grocery to 805 No. 1st St.

It was moved by Councilman Meacham and seconded by Councilman Colescott that the request of Dan Williams dba Williams Grocery to move his 3.2 Beer License from 215 Colorado Avenue to 805 North 1st Street be granted. Motion carried. (7 voted AYE)

### TRADING STAMPS

Discuss use of

Mr. E. Lee Charvat, operator of the Texaco Station at 12th and Gunnison, appeared before the Council regarding the matter of giving trading stamps with purchases of gas, oil and other commodities sold by filling stations. He asked the

Council to pass some sort of legislation which would prohibit filling stations from giving trading stamps of any kind. He stated that he spoke on behalf of most of the filling station operators, and they would like to see all of Mesa County take action against the giving of trading stamps.

Mr. Frank Hockensmith, Attorney, was present and spoke in behalf of the Sperry-Hutchinson Company who furnishes S & H green stamps to the merchants who desire them. He stated that there was nothing in the laws of the State of Colorado that says that trading stamps are unconstitutional, and that legislation could not be restrictive to one group. It would have to affect the whole effort. To pass an ordinance prohibiting the use of trading stamps would mean that the police power of the City, County and State would have to be invoked. It would be bad to see the system of free enterprise and competition destroyed by legislation.

City Attorney Ashby stated that it was his opinion that limited categorical legislation could not be done. This matter had come up some two years ago and he had done considerable research at that time to determine the legislative aspect of trading stamps and there was nothing much that could be done. Recently, the cities of Casper and Cheyenne, Wyoming, have passed ordinances prohibiting the use of trading stamps, which have been upheld by the Supreme Court, and the State of Wyoming has now passed legislation outlawing stamps in the State. He stated that he was not prepared to give the ramifications of the problem to the Council at this time. At the present time, there is an old case in the State of Colorado involving the Sperry and Hutchinson Company which says that it is a legitimate activity and cannot be regulated, but he wished to have more time to study what affect the decision in the State of Wyoming might have on legislation passed in the State of Colorado.

There were a number of people in the audience interested in this matter. Mrs. Lloyd Bruce, 853 Ouray Ave., spoke in favor of continuing the use of stamps and suggested that if Mr. Charvat found it a hardship that he discontinue giving them.

President McCormick stated that this was not a formal hearing on this matter and an impasse had been reached. He, personally, belonged to the old school of thought that you don't get something for nothing. The cost is usually passed on to the customer. He stated that if the City had the total stamp cost to the merchants based on the retail sales of 1958, the property tax could be eliminated and there would also be enough to build a new city auditorium in two years. He thanked the people for coming and stated that if this matter was continued further, a formal date of hearing would be set and ample publicity would be given so that all interested persons could be heard.

### 3.2 BEER RENEWAL

Lee & Silver's Cafe, 326 Main St.

An application for renewal of their 3.2 beer license was presented by Sylvester J. Lehn and Lela M. Lehn dba Lee & Silver's Cafe, 326 Main Street. There were no protests filed against the renewal of this license, and it was moved by Councilman Hadden and seconded by Councilman Love that the application be approved and license granted when the State license has been received. Motion carried. (7 voted AYE)

### DAYS-LAPEL TAGS

5-19-62 by Daughters of Union Veterans of Civil War

The Daughters of Union Veterans of Civil War requested permission to sell lapel tags on the downtown streets on May 19, 1962. It was moved by Councilman Love and seconded by Councilman Colescott that the request be granted. Motion carried. (7 voted AYE)

### DAYS - POPPY DAY

5-26-62 - American Legion Aux.

The American Legion Auxiliary of Robbins-McMullin Unit #37 requested permission to sell poppies downtown on

Saturday, May 26, 1962. It was moved by Councilman Colescott and seconded by Councilman Lowe that the request be granted. Motion carried. (7 voted AYE)

LIBRARY

Council to Act as Co-ordinator to Investigate Consolidation of Libraries

City Manager Lacy stated that the Library Board wished the Council to act as a co-ordinating group as suggested in recent library survey. It was suggested that a committee, similar to the Citizens Water Committee that investigated the advisability of the City of Grand Junction joining with the Ute District for water, be appointed by the Council, and that the Committee investigate the matter of combining the libraries in Grand Junction. The President stated that he would take the matter under advisement and try to have the names for such a Committee in the near future.

BONDS-LICENSE

approved

It was moved by Councilman Colescott and seconded by Councilman Lowe that the following license bonds, having been written on the approved forms, be accepted and filed:

Special Contractor	Co.	No.
Chas. W. Bottoms	Western Surety Co.	865430R
Layton Paint & Decorat Co.	American Surety NY	34-611-410
Walter Galvin	Royal Indemnity	603799
Cement Contractor		
Don McKay Rt 1 Palisade, Colo.	National Surety	
Plumbing Contractor		
Jack Sills	National Surety	LR 6070204
Gas Installer		
Jack Sills	National Surety	LR 6070205

Motion carried. (7 voted AYE)

PROP. ORD.

Re-zoning Central Fruitvale area

The following entitled proposed ordinance was presented and read: AN ORDINANCE CHANGING THE ZONING MAP, A PART OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, BY CHANGING THE ZONING OF CERTAIN PROPERTY WITHIN SAID CITY. It was moved by Councilman Lowe and seconded by Councilman Hadden that the proposed ordinance be passed for publication. Motion carried.

ORD. 1151 (Emerg)

Creating Spec. Storm Sewer Dist #1

The following entitled emergency ordinance was presented and read: AN ORDINANCE CREATING AND ORGANIZING "SPECIAL STORM SEWER DISTRICT NO. 1, GRAND JUNCTION, COLORADO, A GENERAL IMPROVEMENT DISTRICT" WITHIN A PART OF THE CITY OF GRAND JUNCTION, COLORADO, AND DECLARING AN EMERGENCY.

It was moved by Councilman Meacham and seconded by Councilman Lowe that the ordinance be passed and adopted as an emergency ordinance, numbered 1151, and ordered published. Roll was called on the motion with the following result:

Councilmen voting AYE:

Ray A. Meacham  
Arthur Hadden  
Charles H. Love  
Harry O. Colescott  
Warren D. Lowe  
Herbert M. Wright  
Chas. E. McCormick, President

Councilmen voting NAY: None

All of the duly qualified members of the Council having voted AYE on the motion, the President declared the motion carried. (7 voted AYE)

SAN. SEWER DIST #20

Final estimate Statement of Engr Cost \$15,716.34

The following Final Estimate on San. Sewer Dist. #20 and Statement of the Engineer as presented:

"Engineering Department  
City of Grand Junction, Colo.  
March 29, 1962

FINAL ESTIMATE ON SANITARY SEWER DISTRICT NO. 20  
GRAND JUNCTION, COLORADO

Contract (Corn Construction Inc.)	\$13,134.35
Engineering	786.24
Bonds	75.00
Printing, Advertising and Miscellaneous	191.15
	\$14,186.74

STATEMENT OF THE ENGINEER

Statement showing the whole cost of Sanitary Sewer District No. 20 of Grand Junction, including six per centum additional for cost of collection and incidentals, and including interest at the rate of four per centum to March 1, 1963, and apportioning the same to Lot or Tract to be assessed for same.

The sum of \$15,716.34 is to be apportioned against the real estate in the District and against the owners thereof respectively, as by law in the proportions and amounts, as follows, to-wit:

Total cost of construction	\$14,186.74
Interest @ 4% for 1 yr on \$16,000	640.00
6% for Cost of Collection & incidentals	889.60
Total	\$15,716.34

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(Signed) Jerome P. Fossenier, City Engr.

RESOL.

San. Sr. #20

The following Resolution was presented and read:

## RESOLUTION

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Sewer District No. 20; and

WHEREAS, the City Council has caused to be prepared a statement showing the whole cost of the Sewer District No. 20, including therein six per cent (6%) additional for cost of collection and other incidentals and including interest to and including the 1st day of March, 1963 and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same;

NOW, THEREFORE, BE IT RESOLVED, That the sewer district be, and the same is hereby, accepted; that said statement be, and the same is hereby, approved and accepted as the statement of the whole cost of the entire Sewer District No. 20, including 6 per cent additional for cost of collection and other incidentals and including interest to and including the first day of March, 1963; and,

BE IT FURTHER RESOLVED, That the same be apportioned on each lot or tract of land or other real estate to be assessed for the same, and that the same be certified by the President of the Council and filed in the office of the City Clerk; and,

BE IT FURTHER RESOLVED, That the City Clerk shall immediately advertise for three (3) days in The Daily Sentinel, a newspaper of general circulation published in said City, notice to the owners of the real estate to be assessed, and to all persons interested generally without naming such owner or owners; that said sewer district has been completed and accepted, specifying the whole cost of the sewer district and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the Clerk within thirty (30) days from the first publication of said notice; that the same may be heard and determined by the Council at their first regular meeting after said thirty days and before the passage of the ordinance assessing the cost of the sewer district, all being in pursuance of the terms and provisions of Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

## NOTICE

NOTICE IS HEREBY GIVEN to the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Sewer District No. 20, and to all persons interested therein as follows:

That the sewer district, which is authorized by and is in accordance with the terms and provisions of a resolution passed and adopted on the 20th day of December, 1961, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a sewer district to be known as Sewer District No. 20; with the terms and provisions of a resolution passed and adopted on the 20th day of December, 1961, adopting details and specifications for said District; and with the terms and provisions of a resolution passed and adopted on the 7th day of February, 1962, creating and establishing said sewer district, all being in accordance with the terms and provisions of Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, has been accepted by the City Council of the City of Grand Junction.

That the whole cost of the sewer district has been definitely ascertained and is in the sum of Fifteen Thousand Seven Hundred Sixteen and 34/100 Dollars, said amount including six per centum (6%) additional for cost of collection and incidentals and also including interest to and including March 1, 1963, at the rate of four per centum (4%) per annum on bonds issued from time to time in payment of the cost of said sewer district; that the part apportioned to and upon each lot and tract of land within said sewer district and assessable for said sewer district is hereinafter set forth; that payment may be made to the Treasurer of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinances, assessing the real estate in said sewer district for the cost of said sewer district, and that the owner so paying should be entitled to an allowance of six per centum (6%) for all payments made during said period, and of interest from date of payment to the date the first installment becomes due.

That any complaints or objections that may be made in writing by the said owner or owners of land within said sewer district and assessable for said sewer district, or any person interested, made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice, to-wit: On or before and up to 5:00 o'clock P.M. on the 8th day of May, 1962, will be heard and determined by the said City Council at its first regular meeting after said last mentioned date and before the passage of any ordinance assessing the cost of said sewer district against the real estate in said sewer district, and against said owners respectively as by law provided.

That the said sum of Fifteen Thousand Seven Hundred Sixteen and 34/100 Dollars (\$15,716.34) for Sewer District No. 20 is to be apportioned against real estate in said sewer district and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to-wit:

<u>LEGAL DESCRIPTION</u>	<u>TOTAL COSTS</u>
Beg. at a pt. 30 ft West of the East Quarter Corner of Sec. 11, T1S, R1W, U.P.M. thence West 274.92 ft thence North 220 ft. thence East 274.92 ft. thence South 220 ft. to p.o.b. except that area dedicated for street right of way	1389.38
Beg at a pt 20 ft West & 220 ft North of the East quarter corner of Sec 11, T1S, R1W, UPM thence West 274.92 ft thence North 109.64 ft thence East 74.92 ft thence South 109.64 ft to p.o.b.; except that area dedicated for street right of way	801.73
Beg at a pt 354.92 ft West & 339.64 ft North of the East Quarter Cor Sec 11, T1S, R1W UPM thence West 280.11 ft thence North 294.69 ft to pob	2193.74
Beg at a pt 40 ft West & 329.64 ft North of the East Quarter Cor of Sec 11, T1S, R1W, UPM thence West 264.92 ft thence North 304.69 ft thence East 264.92 ft thence South 304.69 ft to pob.	2146.64
Beg at a pt 40 ft West & 25 ft North of the SE Cor of the NE1/4 SE1/4 NE1/4 Sec 11, T1S R1W UPM thence West 595 ft thence North 140 ft thence East 435 ft thence South 20 ft thence East 160 ft thence South 120 ft to pob.	2130.54
Beg. at a pt. 40 ft. West & 200 ft. North of the SE Cor. of NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th South 55 ft. th West 160 ft. th North 55 ft. th East 160 ft. to p.o.b.	234.07
Beg. at a pt. 40 ft. West of the NE Cor of the S1/2 of th NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th South 130 ft. thence West 160 ft. th South 35 ft. th West 435 ft. th North 165 ft. th East 595 ft. to p.o.b. except that area dedicated for street right of way	1,938.08

Beg. at a pt. 40 ft. West of SE Cor of N1/2 of NE1/4 SE1/4 NE1/4 Sec. 11 T1W R1W U.P.M. th West 160 ft. th North 65 ft. th East 160 ft. th South 65 ft. to point of beginning	276.62
Beg. at a pt. 40 ft. West & 200 ft. South of the NE Cor. of the SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th South 65 ft. th West 160 ft. th North 65 ft. th East 160 ft. to p.o.b.	276.62
Beg. at a pt. 30 ft. West & 100 ft. South of the NE Cor. of the SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th South 100 ft. th West 170 ft. th North 100 ft. th East 170 ft. to the p.o.b.; except that area dedicated for street right of way	425.58
Beg. 30 ft. West of the NE Cor. of SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th West 170 ft. th South 100 ft. th East 170 ft. th North 100 ft. to place of beginning	452.18
Beg. at a pt. 400 ft. West & 165 ft. South of NE Cor SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th East 200 ft. th South 149.69 ft. th West 200 ft. th North 149.69 ft. to the p.o.b.	797.96
Beg. at a pt 200 ft. West & 30 ft. south of the NE Cor. SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th South 135 ft. th West 65 ft. th North 135 ft. th East 65 ft. to p.o.b.	233.40
Beg. at a pt. 265 ft. West of the NE Cor. SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th South 165 ft. th West 135 ft. th North 165 ft. th East 135 ft to p.o.b.; except that area dedicated for street right of way	484.76
Beg. at the NW Cor of NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th East 100 ft. th South 165 ft. th East 87 ft. th South 78 ft. th East 63 ft. th South 86.69 ft. th West 250 ft. th North 329.69 ft. to p.o.b.; except that area dedicated for street right of way	1,265.72
Beg. at a pt. 100 ft. East & 30 ft. South of the NW Cor. of NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th East 50 ft. th South 135 ft. th West 50 ft. th North 135 ft. to p.o.b.	179.54
Beg. at a pt. 150 ft. East & 30 ft. South of the NW Cor. of NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. th East 50 ft. th South 135 ft. th West 50 ft. th North 135 ft. to p.o.b.	179.54
Beg. at a pt. 410 ft. West of the NE Cor. SE1/4 NE1/4 Sec. 11, T1S R1W U.P.M. th South 165 ft. th West 50 ft. th North 165 ft. th East 50 ft. to p.o.b.; except that area dedicated for street right of way	179.54
Beg. at a pt. 1153.75 ft. North & 410 ft. West of the East Quarter Cor. of Sec. 11, T1S R1W U.P.M. th South 78	130.70



ft. West 63 ft. North 78 ft. th East 63 ft. to p.o.b.	
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PASSED AND ADOPTED this 4th day of April, 1962.

\_\_\_\_\_  
Charles E. McCormick\President of the City Council

ATTEST:

\_\_\_\_\_  
\City Clerk

STATE OF COLORADO	)	
	)	SS
COUNTY OF MESA	)	

I, C. E. McCORMICK, President of the Council and Ex-officio Mayor of the City of Grand Junction, Colorado, do hereby certify that the above and foregoing is the statement showing the whole cost of the Sewer District No. 20, and includes interest to and including the first day of March, 1963, and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same, all in accordance with the terms and provisions of Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

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Charles E. McCormick\President of the City Council

ATTEST:

\_\_\_\_\_  
\City Clerk

It was moved by Councilman Colescott and seconded by Councilman Hadden that the Resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE:

- Ray A. Meacham
- Arthur Hadden
- Charles H. Love

Harry O. Colescott  
Warren D. Lowe  
Herbert M. Wright  
C. E. McCormick, President

Councilmen voting NAY: None

All of the duly qualified members of the Council having voted AYE on the motion, the President declared the motion carried.

#### DAYS

Selling on the Streets-To investigate

Councilman Hadden suggested that a study be made to see whether or not the selling of flowers, tags, etc. on the streets of the City of Grand Junction was presenting a problem to the merchants.

#### ADJOURNMENT

It was moved by Councilman Lowe, duly seconded and carried that the meeting adjourn.

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Helen C. Tomlinson\City Clerk